

REMARKS

Upon entry of the present amendment, claims 12-19 will be pending in the application. Claims 1-11 will be cancelled, and claims 12-19 will be newly added. Entry of the present amendment, reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

In the Final Office Action, the Examiner rejected claims 2-6 and 9-11 under 35 U.S.C. §112, 1<sup>st</sup> paragraph as failing to comply with the enablement requirement, and under 35 U.S.C. §112, 2<sup>nd</sup> paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner also rejected claims 2-6, 9 and 11 under 35 U.S.C. §102(b) as being unpatentable over Tanaka et al. (U.S. Patent No. 5,541,910), and rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al. in view of Takahashi et al. (U.S. Patent No. 5,859,834).

Upon entry of the present amendment, claims 2-6 and 9-11 will be canceled, merely to advance prosecution of the present application to issue. Thus, cancellation of these claims should not be viewed as an acquiescence by Applicants to the propriety of the rejection.

Upon entry of the present amendment, new claims 12-19 will be added for the Examiner's consideration. Applicants submit that the concerns the Examiner expressed with respect to the 35 U.S.C. §112, 1<sup>st</sup> and 2<sup>nd</sup> paragraph rejections have been addressed in the drafting of new claims 12-19. With respect to the 35 U.S.C. §112, 2<sup>nd</sup> paragraph rejection of claim 5, in which the Examiner asserted that it is unclear how an inner wall can have a diameter, Applicants respectfully submit that Figure 2 and page

34 of Applicants' specification clearly describe how a circular recess RC can have an inner wall with a diameter.

Applicants' claim 12 (which is based upon canceled claim 9) recites a recording medium perform which includes, inter alia, a circular cavity having an inner base surface, and a ring-shaped cavity. A part to be punched is located between the circular cavity and the ring-shaped cavity. The ring-shaped cavity includes a first inner wall surface having a diameter substantially equal to a diameter of an inner wall surface of the circular cavity, and a base surface. A thickness of the part to be punched out, defined by a distance between the base surface of the ring-shaped cavity and the inner base surface of the circular cavity, is between 10 and 300  $\mu\text{m}$ , inclusive.

Tanaka et al. is directed towards an optical disk, and Takahashi et al. is directed towards a magneto-optical disc. Applicants respectfully submit that neither Tanaka's optical disk 1, nor Takahashi's magneto-optical discs 20, 101 include a part to be punched out, which is located between a circular cavity and a ring-shaped cavity. Furthermore, Applicants submit that Tanaka's optical disk 1 does not include a ring-shaped cavity.

Applicants also submit that neither Tanaka's optical disk 1 nor Takahashi's magneto-optical discs 20, 101 include a ring-shaped cavity having a first inner wall surface having a diameter substantially equal to a diameter of an inner wall surface of a circular cavity.

Applicants further submit that neither Tanaka's optical disk nor Takahashi's magneto-optical discs 20, 101 include a part to be punched out, which has a thickness defined by a distance between a base surface of a ring-shaped cavity and an inner base

surface of a circular cavity. Accordingly, Applicants submit that neither Tanaka et al. nor Takahashi et al. disclose or suggest the thickness of such a part to be between 10 and 300  $\mu\text{m}$ , inclusive.

Thus, Applicants respectfully submit that Tanaka et al. and Takahashi et al., fail to disclose or suggest, either individually or in combination, a recording medium perform which includes a circular cavity having an inner base surface and a ring-shaped cavity, where a part to be punched is located between the circular cavity and the ring-shaped cavity, the ring-shaped cavity includes a first inner wall surface having a diameter substantially equal to a diameter of an inner wall surface of the circular cavity, and a thickness of the part to be punched out, defined by a distance between a base surface of the ring-shaped cavity and an inner base surface of the circular cavity, is between 10 and 300  $\mu\text{m}$ , inclusive, as recited in Applicants' independent claim 12.

For at least these reasons, Applicants respectfully submit that Applicants' claim 12, as well as claims 13-19 (which depend from claim 12), are not anticipated by or obvious in view of the prior art of record. Thus, Applicants respectfully request that the Examiner allow Applicants' claims 12-19.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

#### SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicants have

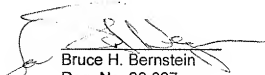
made a sincere effort to place the present invention in condition for allowance and believes that they have done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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